

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DION ANDERSON, and KONANYAH
BN YAHLAZAR,

Plaintiff,

v.

THE STATE OF CALIFORNIA, et al.,

Defendants.

No. 2:23-cv-0522 KJN P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff Anderson is a state prisoner, proceeding pro se. On March 17, 2023, plaintiff filed a “Request and Notice for Removal to the Eastern District,” under 28 U.S.C. § 1441. (ECF No. 1.) However, plaintiff’s removal is improper. A plaintiff cannot remove his own action to federal court. 28 U.S.C. § 1441(a); Am. Int’l Underwriters (Philippines), Inc. v. Cont’l Ins. Co., 843 F.2d 1253, 1260 (9th Cir. 1988) (“The right to remove a state court case to federal court is clearly limited to defendants.”) Because an action may only be removed to federal court by a defendant, plaintiff’s removal petition should be remanded. See 28 U.S.C. § 1441(a); Okot v. Callahan, 788 F.2d 631, 633 (9th Cir. 1986).

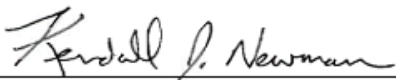
In accordance with the above, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case; and

////

1 Further, IT IS HEREBY RECOMMENDED that plaintiff's action be remanded to the
2 Sacramento County Superior Court.

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations, plaintiff may file written objections
6 with the court and serve a copy on all parties. Such a document should be captioned
7 "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that
8 failure to file objections within the specified time may waive the right to appeal the District
9 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

10 Dated: March 27, 2023

11 
12 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

13 /ande0522.56
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28